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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,953	09/07/2000	Tomohiro Mizuno	11103-019001	1964
9629	7590	01/25/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			CHEN, TIANJIE	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/656,953	MIZUNO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tianjie Chen	2652	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 October 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) 2-4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## ***Final Rejection***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kase et al (US 4,949,328).

Regarding claim 1, Kase et al teach a disk player (fig 4) for holding a plurality of disks (22) at disk standby positions in a casing (1), so that a disk (22) selected from the plurality of disks (one of the disks 22) is transferred to a disk playing area (Fig. 6) in said casing and is reproduced, comprising: a plurality of disk trays (13, Fig. 6; column 5, line 7) which are stacked in a predetermined direction (y'-direction) for receiving said plurality of disks (22) thereon (see Fig 8), disk playing assembly (37 and 43, Fig. 7) for clamping and playing one of said plurality of disks (22) have been moved to said disk playing area to reproduce information recorded on said disk, and a supporting mechanism (4a) for supporting said disk playing assembly (37 and 43) thereon, wherein during a movement in which one of disk trays is being moved from said disk standby area (bottom position, Fig. 6) to the disk playing position (top position at 37, Fig. 6), said one of disk trays comes into engagement with said disk supporting mechanism (4a) so that said disk playing assembly (37 and 43) is caused to move in said predetermined direction thereto (see Figs. 17-19), and clamp and play said one of plurality of disks (22) (see Figs. 6-7 and 17-19).

***Allowable Subject Matter***

2. Claims 2-4 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter:

- Regarding claim 2, none of the prior art of record taken alone or in combination teaches or suggests that the support mechanism is rotatably support about a rocking fulcrum, said disk playing assembly is supported a part from the rocking fulcrum on the supporting mechanism, and said disk playing assembly is moved in said predetermined direction by rotating said supporting mechanism about said rocking fulcrum.
- Applicant asserts that this invention is to provide a disk player which can insert/ extract a disk from its body even while another disk is being reproduced and which has a small-size player body (Specification, p. 3, lines 4-6).

***Response to Arguments***

4. Applicant's arguments filed 10/15/2004 have been fully considered but they are not persuasive.

- Applicant argues that: Kase does not teach or suggest to any extent that an individual disk tray engages with a supporting mechanism, on which a disk playing assembly is supported, so that the disk playing assembly is caused to move in the same direction in which the disk trays are stacked (i.e., the particular predetermined direction recited in claim 1). Instead, Applicants respectfully submit that in Kase, the positioning of the playing mechanism at the disk playing position and the clamping of the disk are performed with motors and an associated moving mechanism.
- Examiner's position: Kase does teach that the disk tray engages with a supporting mechanism 4a, on which a disk playing assembly is supported, so that the movement of the disk playing assembly is caused to by the movement of the disk tray (See column 9 line 40 to column 10, line 39) through the switches, controller and motor. Furthermore, Applicant's claim does not specify if the motor is used or not.
- Rejection maintains.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Chen Tranngie*  
TIANJIE CHEN  
PRIMARY EXAMINER